

BOARD OF REGISTERED NURSING

P O Box 944210, Sacramento, CA 94244-2100

P (916) 322-3350 | www.rn.ca.gov

Ruth Ann Terry, MPH, RN, Executive Officer

DIVERSION/DISCIPLINE COMMITTEE MINUTES

DATE: August 2, 2007

SITE: Department of Consumer Affairs (Hearing Room)
1625 N Market Blvd., Ste S102
Sacramento, CA 95834
Phone: (916) 574-7604
Fax: (916) 574-8628

MEMBERS PRESENT: LaFrancine Tate, President
Grace Course, RN
Nancy Beecham, RN

STAFF PRESENT: Ruth Ann Terry, MPH, RN, Executive Officer
Heidi Goodman, Assistant Executive Officer
Elliot Hochberg, Enforcement Program Manager
Carol Stanford, Diversion & Probation Program Manager
Geri Nibbs, RN, NEC
Marianne Fagunes, Probation Program
Paul Hochscheid, Probation Program

OTHERS PRESENT: Don Fensterman, Maximus

Grace Course called the meeting to order at 10:05 am.

1.0 COMMITTEE BUSINESS

1.1 Approve/Not Approve: Minutes of May 3, 2007

M/S/C: Grace Course / LaFrancine Tate approved the minutes as submitted.

2.0 ENFORCEMENT PROGRAM

2.1 Information Only: Enforcement Program Update and Statistics

Fiscal year statistics indicate that the 402 pleadings filed by the Attorney General's Office (AG) are the highest on record for the past six fiscal years and is 18.4% higher than last FY. The number of disciplinary actions at 306 is the second highest for the same time period and is up 20% from last FY. While there were substantially less referrals to the AG in the past fiscal year, the number of cases pending at the AG is also the second highest on record. It is anticipated that referrals to the AG will increase this fiscal year 2007/08 since all the case management analyst positions have been filled. DOI cases will also be more closely monitored as a result of filling these positions.

Discipline Networking Call

FBI Audits for Criminal Background Check Data Security

The Disciplinary Resource Advisory Panel of the National Council of State Boards of Nursing has periodic conference calls on a variety of discipline related topics. The Enforcement Program invites Board staff to participate in these conference calls, which often times include representatives from 20-30 states.

On June 12, 2007, the topic was Federal Bureau of Investigation (FBI) audits of nursing boards for data security of the criminal record information that is maintained on applicants for licensure as well as licensees. Representatives from Wyoming and Nevada discussed the process used by the FBI to audit their boards that included: the types of questions asked of board staff, whether files were selected for review, and the FBI responses regarding maintenance of records.

The information provided was valuable. At this time, the Board has not been audited either on a state or federal level, for Criminal Offender Record Information (CORI) file security and maintenance.

Statistics

The Enforcement Program statistics for Fiscal Year 2006-2007 (July 2006 through June 2007) were attached.

3.0 DIVERSION/PROBATION PROGRAMS

3.1 Information Only: Diversion Program Update and Statistics

Program Update

On July 11, 2007, the Diversion Program Manager and staff conducted an in-service training for the Enforcement Program staff. The training provided an overview of the confidential program for RNs whose practice may be impaired due to chemical dependency and/or mental illness. The training included the intake process, the role of the contractor, DEC's, closure status, public threat cases and how the two programs work together to meet the goal of public safety. During the question and answer period many topics were covered.

Contract Update

All seven Boards are meeting bimonthly with DCA's Contract Unit to draft the Request for Proposal (RFP). The RFP will be released later this year for the next Diversion Program contract that will be awarded in 2008.

Diversion Evaluation Committees (DEC)

There are currently eight vacancies as follows: three physicians, two public members and three registered nurses. Interviews were conducted and recommendations are included on today's agenda for approval. Recruitment efforts continue and interviews are scheduled.

Statistics

The Monthly Statistical Summary Report for April, May and June 2007 was attached. As of June 30, 2007, there were 1,226 successful completions in the Diversion Program.

3.2 Information Only: Probation Program Update and Statistics

Program Update

On May 21 – 23rd the Probation Manager and several staff attended the NCSBN Board Investigator and Attorney Workshop in San Francisco. The conference covered investigative procedures, successful prosecutions, ETG monitoring, and how to obtain records and information over the Internet. Training opportunities of this magnitude are difficult to find in state and all benefited by attending this conference.

On June 13th, the Probation Manager attended a CURES (Controlled Substance Utilization Review & Evaluation System) meeting. Dr. Jacob Khushigian was the guest speaker and spoke on the complex problems surrounding controlled substances and their proper and improper use. The Board is working with DOJ to implement the use of this specialized system.

Statistics

The current statistics through July 6, 2007, for the Probation Program were attached.

3.3 Diversion Evaluation Committee Members

(a) Approve/Not Approve: Diversion Evaluation Committee Member Appointment

(b) Information Only: Diversion Evaluation Committee Member Resignations

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician and a public member with expertise in chemical dependency and/or mental health.

(a) APPOINTMENT

Below is the name of the candidate being recommended for appointment to the Diversion Evaluation Committee (DEC). Her application and résumé were attached. If appointed, her term will expire June 30, 2011.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO.</u>
Mary Hegarty	Nurse	San Jose	7

M/S/C: Grace Course / LaFrancine Tate - Approved

(b) INFORMATION ONLY

Below are the names of Diversion Evaluation Committee members who have had to resign for personal reasons. Their efforts are recognized and certificates and letters of appreciation on behalf of the Board are being mailed out.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO.</u>
Diane Hayward	Public Member	Los Angeles	3
Richard Pass	Nurse	Palm Springs	6

4.0 OPEN FORUM

The Chair adjourned the meeting at 10:55 am.

Approved:
